

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 5363 of 1996
With
CIVIL APPLICATION No. 4030 of 1997
In
SPECIAL CIVIL APPLICATION No. 5363 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

Whether this case involves a substantial question
of law as to the interpretation of the
4 constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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LIMBDI NAGARPALIKA EMPLOYEES UNION & 1 - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :

NOTICE NOT RECD BACK for Petitioner(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 1,
MR HARIN P RAVAL for Respondent(s) : 2,
NOTICE SERVED for Respondent(s) : 3 - 4.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 09/11/2006

ORAL JUDGMENT

Present petition has been filed by the petitioners

i.e. Limdi Nagarpalika Employees' Union and another for an appropriate writ, direction and/or order quashing and setting aside the action of respondent No.2 i.e. Limdi Nagarpalika in not making the payment to its employees from December 1995 till date. A further prayer is also made for an appropriate order directing the Nagarpalika to pay the salary to the employees every month regularly by keeping funds for the said purpose in a separate bank account with a Nationalized Bank or depositing the same with the Collector, Surendranagar.

2. The sum and substance of the grievance made in the petition is that though the employees of the Nagarpalika have worked, the salaries have not been paid from December 1995. This Court while admitting the present Special Civil Application on 8-10-1996 passed the following order;

"Rule. To be heard with Special Civil Application No.6463 of 1996. By way of interim relief, it is directed that the respondents shall pay all the arrears of salary due and payable to the petitioners within a period of six months from today. It is further directed that the petitioners shall be paid the salary for the month of March 1996 on or before 5th November 1996."

3. It appears from the record that one Civil Application No.4030 of 1997 has been filed by the Nagarpalika for modification of the interim order dated 8-10-1996. However, no order has been passed in the said civil application.

4. It also appears from the record that the present Special Civil Application was ordered to be heard with Special Civil Application No.6463 of 1996. However, the said Special Civil Application was not placed along with the present Special Civil Application and the said Special Civil Application came to be heard by this Court (Coram: Anant S. Dave, J.) and this Court has allowed the said Special Civil Application in terms of interim order which was similar to that, which was granted in the present Special Civil Application which is reproduced hereinabove. On going through the order passed by the learned Single Judge in aforesaid Special Civil Application No.6463 of 1996, this Court directed the respondents to comply with the interim order by which the respondents were directed to pay the amount of arrears of salary within a stipulated time. It also appears from the record that the aforesaid Special Civil Application No.6463 of 1996 was filed by the employees of the

Nagarpalika individually and the present Special Civil Application has been filed by the union.

5. Under the circumstances and in view of the order passed by this Court dated 28-6-2005 passed in Special Civil Application No.6463 of 1996, this Special Civil Application is allowed in terms of interim order which is reproduced hereinabove and the directions issued hereinabove. Rule is made absolute. No costs.

6. In view of disposal of main Special Civil Application, no order in civil application.

(M.R.SHAH, J.)

shekhar/-